

## **ENVIRONMENTAL HEARINGS OFFICE**

### **Minutes of Meeting February 18, 2009 9:00 a.m.**

The February 2009 meeting was called to order by Chair Kathy Mix in the Boards' office in Lacey, Washington. Present were Chair Kathy Mix, Board Members Andrea McNamara Doyle and William Lynch, Administrative Appeals Judges Kay Brown, Phyllis Macleod and Cassandra Noble, Administrative Manager Robyn Bryant, Hearings Coordinator Debbie Joblonski and Administrative Secretary Janet Buechler. Minutes of the January 2009 meeting were read and approved as amended.

Handouts were distributed for review which included the pollution, shoreline, forest practice, hydraulic, and environmental and land use appeals filed, a brief summary of all cases that have closed and the Case Statistics Report.

#### **Appellate Update**

Chair Kathy Mix reported that there were no new Superior Court Appeals filed since the last meeting in January. There was also a discussion concerning the outcome of three previous Superior Court Appeals: *Herman v. Ecology* (SHB 04-019), the Superior Court ruling which had remanded the case back to the SHB was revised by the Court of Appeals to uphold the Shorelines Hearings Board decision. The Court of Appeals dismissed the *Squaxin Island Tribe v. Ecology, et al* (PCHB 05-137) appeal; and the *Stollar v. Bainbridge Island, et al* (SHB No. 06-024) case was dismissed by the Superior Court.

#### **Financial Update**

Robyn Bryant reported that the Environmental Hearing Office budget is still in line with recent budget cuts. Kathy stated she will keep the office advised of any new budget decisions as they are announced.

## **Executive Order 09-03**

Executive Order 09-03 as it relates to the Environmental Hearings Office was discussed by Bill and Kathy. Kathy pointed out the areas in the Governor's Order where the EHO can be involved and there was a discussion on mediation services both inter-agency and on outside cases not before any of EHO's boards. Bill suggested we regularly follow up on the status of the Order.

## **Pre-Hearing Orders**

The finalized language concerning e-filing procedures to be used in Pre-Hearing Orders was presented by Kay Brown. The language was approved and will be added to all new pre-hearing orders going out.

## **Inclement Weather Policy**

The revised Inclement Weather Policy which adds new language regarding suspension of operations pursuant to state regulations was read and adopted this date.

## **Statistical Reports**

Robyn presented the statistical reports in the new case tracking format. Debbie outlined the changes contained in the new reports.

## **Additional Business**

Andrea McNamara Doyle received confirmation by the committee and her confirmation has gone to the Senate.

Kathy will be conducting an interview on February 19<sup>th</sup> with a first year law school student for an unpaid externship position.

Robyn indicated that a new property manager is in place for the building. There is no anticipation in any changes to the lease at this time.

Case summaries for the Washington State Bar Association Environmental and Land Use Section will be due at the end of March. Andrea requested summaries from respective presiding members for specific cases of interest.

Meeting adjourned.

Janet Buechler  
Administrative Secretary